

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

SCOTT TURNAGE, CORTEZ D. BROWN,  
DEONTAE TATE, JEREMY S. MELTON, ISSACCA  
POWELL, KEITH BURGESS, TRAVIS BOYD,  
TERRENCE DRAIN and KIMBERLY ALLEN  
on behalf of themselves and all similarly situated persons,

Plaintiffs,

v.

BILL OLDHAM, in his individual capacity as former  
Sheriff of Shelby County, Tennessee; FLOYD BONNER,  
JR., in his official capacity as the Sheriff of Shelby County,  
Tennessee; ROBERT MOORE, in his individual capacity  
as former Jail Director of Shelby County, Tennessee;  
KIRK FIELDS, in his official capacity as the Jail Director  
of Shelby County, Tennessee; CHARLENE MCGHEE, in  
her individual capacity as former Assistant Chief of Jail  
Security of Shelby County, Tennessee; REGINALD  
HUBBARD, in his official capacity as Assistant Chief of  
Jail Security of Shelby County, Tennessee; DEBRA  
HAMMONS, in her individual capacity as former Assistant  
Chief of Jail Programs; TIFFANY WARD in her official  
capacity as the Assistant Chief of Jail Programs of Shelby  
County, Tennessee; SHELBY COUNTY, TENNESSEE,  
a Tennessee municipality; TYLER TECHNOLOGIES,  
INC., a foreign corporation; GLOBAL TEL\*LINK  
CORPORATION, a foreign corporation; SOFTWARE  
AG USA, INC., a foreign corporation; SIERRA-CEDAR,  
INC., a foreign corporation; SIERRA SYSTEMS GROUP,  
INC., a foreign corporation, and TETRUS CORP, a foreign  
Corporation,

Defendants.

Civil Action No. 2:16-cv-02907-  
SHM-tmp

Jury Demanded

**DEFENDANT SIERRA SYSTEMS GROUP, INC.’S RESPONSE IN OPPOSITION TO  
PLAINTIFFS’ MOTION FOR SUBSTITUTION OF PARTY**

Defendant Sierra Systems Group, Inc. (“Sierra”) hereby files its Response in Opposition to Plaintiffs’ Motion for Substitution of Party. Although the Administrator Ad Litem for the Estate

of deceased Plaintiff Isaaca Powell (the “Administrator”) appears to have been duly appointed and be the proper party in interest to prosecute Powell’s surviving claims, the Administrator cannot properly be named as a putative class representative. For this reason, and as discussed in more detail below, substitution would be improper, and the Motion should be denied.

### **LAW AND ARGUMENT**

Pursuant to Federal Rule of Civil Procedure 10(c), Sierra hereby adopts by reference Defendants Shelby County, Tennessee, Bill Oldham, Robert Moore, Charlene McGhee, Debra Hammons, Floyd Bonner, Jr., Kirk Fields, Reginald Hubbard and Tiffany Ward’s (collectively “Shelby County Defendants”) Response in Opposition to Plaintiffs’ Motion for Substitution of Party *except for* those portions relating to injunctive relief, which are not applicable to Sierra.<sup>1</sup>

### **CONCLUSION**

For the reasons stated above, permitting the Administrator to step into Powell’s shoes as a named representative of the putative class would be inappropriate. Rather than holding off for an inevitable denial of class certification on the basis of adequacy of representation, the Court should exercise its discretion to deny Plaintiffs’ Motion for substitution and instead require Plaintiffs to identify another suitable representative for the class and subclass currently represented by Powell.

By: /s/ Heather Gwinn-Pabon

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<sup>1</sup> Sierra finds the Shelby County Defendants’ arguments concerning injunctive relief to be well founded; however, Plaintiffs do not seek injunctive relief against Sierra.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been served upon the following via e-mail notification, on this the 20th day of September 2019.

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/s/ Heather Gwinn Pabon